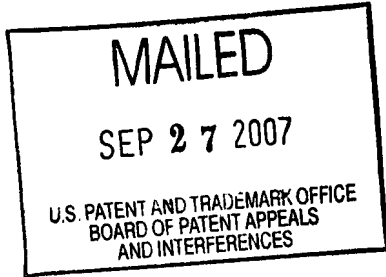


UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES



Ex parte RICHARD J. DIBBS

Application 10/618,971

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences on June 13, 2007. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matter requiring attention prior to docketing is identified below.

The content under the heading “**SUMMARY OF CLAIMED SUBJECT MATTER**” contained in the Appeal Brief filed on June 5, 2006 does not provide a sufficient summary of the independent claims involved in the appeal, which, for each independent claim involved in the appeal, shall refer to the specification by page and line number, and to the drawing, if any, by reference characters. *See* 37 CFR § 41.37(c)(1)(v). In particular, the appellant did not map the independent

Application No. 10/618,971

claims to the specification. Correction is required. MPEP § 1205.03 states:

When the Office holds the brief to be defective solely due to appellant's failure to provide a summary of the claimed subject matter as required by 37 CFR 41.37(c)(1)(v), an entire new brief need not, and should not, be filed. Rather, a paper providing a summary of the claimed subject matter as required by 37 CFR 41.37(c)(1)(v) will suffice. Failure to timely respond to the Office's requirement will result in dismissal of the appeal. See MPEP § 1215.04 and §711.02(b).

Further, an Information Disclosure Statements (IDS) was filed on April 30, 2004. It is not apparent from the record that the examiner considered the statements submitted or notified applicants of why their submission did not meet the criteria set forth in 37 CFR §§ 1.97 and 1.98.

Accordingly, it is

ORDERED that the application is returned to the Examiner to:

- 1) hold the Appeal Brief filed on June 5, 2006, defective;
- 2) notify appellant to file a paper providing a summary of the claimed subject matter as required by 37 CFR 41.37(c)(1)(v);
- 3) consider the paper providing a summary of the claimed subject matter as required by 37 CFR 41.37(c)(1)(v);
- 4) for consideration of the Information Disclosure Statement filed April 30, 2004; and

Application 10/618,971

5) for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

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PJN/gjh

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